IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 62107-M of 2006

DATE OF DECISION : 07.11.2006

Major Singh

.... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. S.P.S. Sidhu, Advocate,
for the petitioner.

Mr. N.S. Gill, AAG, Punjab.

* * *

Petitioner Major Singh has filed this petition under Section 439 of the Code of Criminal Procedure for the grant of regular bail in case FIR No. 85 dated 18.7.2006 under Sections 302/307/120-B IPC and Section 30 of the Arms Act, registered at Police Station Raman, District Bathinda.

2. I have heard counsel for the parties and gone through the contents of the FIR as well as the order dated 29.9.2006, passed by Sessions Judge, Bathinda, whereby bail application of the petitioner has been dismissed.

3. The aforesaid FIR was registered on the statement of Manjit Kaur wife of late Shri Amarjit Singh, wherein she alleged that on 18.7.2006, when she along with her nephew Jaswinder Singh alias Jassi and Hardev Singh, who is father in law of Jaswinder Singh, was coming back to her house after visiting Bathinda, then her brother-in-law (Devar) Tejinder Singh came there. He was armed with small 12 bore DBBL gun. He raised lalkara that he will kill Jassi and his family. By saying so, he fired shot at Jaswinder Singh alias Jassi, nephew of the complainant, who fell on the ground and died. The complainant Manjit Kaur further alleged that then Tejinder Singh ran away towards her house with his gun and there he also

fired shot at Noga Singh son of Chand Singh and Sukhbir Singh son of the complainant who died subsequently. He also injured Meenu, her daughter in law. The motive of the alleged crime is alleged to be that the said Tejinder Singh was having illicit relations with one Reshma Kaur, a resident of the village and Jaswinder Singh alias Jassi and Sukhbir Singh stopped him for having illicit relations with the said lady, as the image of the family is being destroyed. Subsequently, after registration of the case, said Tejinder Singh also committed suicide.

4. As far as the petitioner is concerned, he is a remote relation of the wife of Tejinder Singh. After more than 28 days of the alleged occurrence, statement of Lalinder Singh, brother of the husband of the complainant as well as main accused, was recorded under Section 161 Cr.P.C., in which it was stated that there was a conspiracy between the main accused and the petitioner and under the said conspiracy the weapon was supplied by the petitioner to the main accused. It was alleged that the petitioner was having a motive to grab the property of Tejinder Singh.

5. Counsel for the petitioner contends that during the investigation, a detailed investigation was conducted on an application filed by wife of the petitioner. In the said investigation, it was found that on 18.7.2006, the petitioner and his son were out from their house and when his wife was alone, main accused Tejinder Singh came as he was the cousin brother of the wife of the petitioner and he asked for meal. When wife of the petitioner went in the kitchen and was preparing meal, Tejinder Singh took away the licensed 12 bore DBBL gun of the petitioner with cartridges. Therefore, no offence under Section 120-B IPC was found against the petitioner and it was suggested that challan against him be filed only under Section 30/54/59 of the Arms Act. Subsequently, the challan was also filed against the petitioner under Section 120-B IPC. Counsel contends that except the statement of Lalinder Singh, there is no material against the petitioner. He further contends that Lalinder Singh was very much present at the time of the alleged occurrence and at the time, when the FIR was recorded on the statement of Manjit Kaur, but he did not say any thing about

the alleged conspiracy. Subsequently, after 28 days, he gave a concocted supplementary statement alleging therein that the petitioner gave the alleged weapon to the main accused under a conspiracy.

6. Counsel submits that the petitioner is in custody since 25.7.2006. He further submits that though challan has been filed, but charge has not been framed so far and trial is not likely to conclude soon.

7. Keeping in view the aforesaid facts, without commenting on the merits of the case, as it will cause prejudice to the fair trial, I deem it appropriate to grant regular bail to the petitioner and he is, accordingly, ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial court.

November 07, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**